

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DARRYL POLLARD,

Plaintiff,

v.

UNKNOWN ORTIZ, et al.,

Defendants.

Case No. 1:21-cv-824

HON. JANET T. NEFF

ORDER

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. Defendants filed a motion for summary judgment based on failure to exhaust. The matter was referred to the Magistrate Judge, who issued a Report and Recommendation on March 28, 2023, recommending that this Court grant the motion and that Plaintiff's claims against all Defendants, except Defendant Ortiz, be dismissed without prejudice. The Report and Recommendation was duly served on the parties. No objections have been filed. *See* 28 U.S.C. § 636(b)(1).

Plaintiff has since filed a motion for reconsideration (ECF No. 34) asking the court to reconsider the decision of the Report and Recommendation. However, Plaintiff provides no legal or factual grounds to support reconsideration of the Magistrates recommendation.

Therefore,

IT IS HEREBY ORDERED that the Report and Recommendation (ECF No. 25) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that the Motion for Summary Judgment (ECF No. 23) is GRANTED.

IT IS FURTHER ORDERED that Plaintiff's claims against Defendants Thayer, Mawer, Swanson, Leitheim, and Kassa are DISMISSED WITHOUT PREJUDICE.

This case will proceed on Plaintiff's claim against Defendant Ortiz.

IT IS FURTHER ORDERED that Plaintiff's Motion for Reconsideration (ECF No. 34) is DENIED.

Dated: August 24, 2023

/s/ Janet T. Neff

JANET T. NEFF
United States District Judge